

FRONTIER COMMUNICATIONS COMPANY, )  
Plaintiff, )  
 )  
v. ) Civil Action No. 07-cv-113  
 )  
BARRETT PAVING MATERIALS, INC., et al., )  
Defendants. )

Defendant, UGI Utilities, Inc. (“UGI”) files this amended motion for summary judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure and Judge Kravchuks’ order of August 10, 2010.<sup>1</sup> Since there is no genuine issue of fact in dispute, UGI Utilities, Inc. is entitled to judgment as a matter of law with respect to the claims that Plaintiff Frontier Communications Company (“Frontier”) has made against it.<sup>2</sup>

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<sup>1</sup> UGI's amended motion is the same as its original Motion for Summary Judgment and Memorandum in Support thereof (Document #172) except for a few modifications which incorporate the arguments which UGI included in its Reply to Frontier's Opposition (Document #188). To the extent the Court may find it helpful, UGI would be pleased to provide a version showing the changes that have been made. The Stat. of Mat. Facts Not in Dispute has not changed.

<sup>2</sup> The court has granted a similar motion to co-defendant CenterPoint Energy Resources Corporation on similar grounds. (Ex. A)

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2010 a true copy of the foregoing **UGI Utilities Inc.'s Amended Motion for Summary Judgment** was sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

\_\_\_\_s/ Christopher D. Hawkins\_\_\_\_\_  
Christopher D. Hawkins, Esquire